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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,225

Applicant(s)

FUJIMOTO, JUN

Examiner

Malina K. Dhillon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/9/04 and 3/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Franchi (US 5770533).

Concerning claims 1 and 25 Franchi recites a communication system for acquiring information required for proceeding with a game played in a game arcade from a predetermined guest playing the game and outputting thus acquired information to a manager for managing the game **[column 5, lines 50-65]**, the communication system comprising: a transmitter and/or transmitting means, disposed in the game arcade, for transmitting instruction information indicative of an instruction to transmit the information required for proceeding with the game to a communication terminal of the guest **[column 5, lines 66-67 and column 6, lines 1-6]**; and information acquiring means for acquiring information required for proceeding with the game according to the instruction information in the communication terminal **[column 6, lines 6-29]**.

Concerning claim 2, Franchi recites the communication terminal comprises display means for displaying a predetermined information item according to the instruction information **[column 10, lines 60-64, Fig. 8]**, and input means for causing

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the guest to input information required for proceeding with the game according to the predetermined information item displayed on the display means **[column 10, lines 8-20, Fig. 8]**.

Concerning claim 3, Franchi recites the communication terminal comprises card reading means for reading guest-specific information specifying the guest stored in a predetermined guest card **[column 15, lines 38-54]**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 4-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi (US 5770533) in view of Shulman (US 2002/0123377 A1).

Concerning claims 4, 6, 7, 12, 13 and 26, Franchi teaches a communication system for a game using a game board including a roulette game **[column 14: lines**

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31+] provided with a plurality of pockets adapted to receive a game medium introduced, each pocket bearing an identifier, a predetermined guest using a gaming device for causing any of the pockets to receive the game medium and anticipating the identifier of the pocket **[column 14, lines 19-30 and column 10, lines 1-7]**; the communication system acquiring from the guest the identifier of the pocket expected to receive the game medium before the game medium is introduced to the game board and outputting the identifier to a manager for managing the game **[column 15, lines 26-65]**; the communication system comprising: managing means, disposed in a game arcade where the game is played, for determining whether the game medium is about to be introduced to the game board **[column 7, lines 1-46]**; transmitting means, disposed in the game arcade, for transmitting information managed by the managing means and instruction information indicative of an instruction to transmit the identifier of the pocket expected to receive the game medium **[column 7, lines 1-46]** to a communication terminal **[column 15, lines 26-65]** disposed around the casino in a portable device. Franchi teaches the device has a display means **[column 15, lines 35-37]**, for displaying information indicating that the game medium is about to be introduced to the game board and the instruction information according to information managed by the managing means **[column 15, lines 59-67 and column 16, lines 1-13]**; information acquiring means, for acquiring the identifier of the pocket expected to receive the game medium inputted by the guest via a guest card and guest-specific information for specifying the guest according to the display effected by the display means **[column 15, lines 38-67 and column 16, lines 1-13]**; and output means, disposed in the game

arcade, for outputting the information acquired by the information acquiring means to the manager **[column 15, lines 59-67 and column 16, lines 1-13]**.

Franchi teaches the portable device can be located in the guestroom in an accommodation facility and the transmission of information from the transmitting means to the communication terminal and the transmission of information from the communication means toward the game arcade are carried out via a local area network. The publication to Shulman teaches a computer assisted poker tournament. Shulman teaches that the communication medium on which the tournament is to be played over can be setup up on a local area network extending to the various rooms of a hotel or casino **[0023]**. It would be obvious to combine the Franchi portable device used in the open architecture casino operating system with the Shulman poker tournament run on a local area network because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 5, Franchi teaches the communication terminal comprises communication means for transmitting the identifier of the pocket expected to receive the game medium inputted by the guest and the guest-specific information for specifying the guest as acquired by the information acquiring means **[column 15, lines 38-67 and column 16, lines 1-13]**.

Concerning claim 8, Franchi teaches the card reading means is configured so as to be able to inscribe the predetermined guest card with a result of gaming transmitted from the game arcade **[column 16, lines 14-17]**.

Concerning claim 9, Franchi teaches the display means displays information indicating that an entry to the game is currently acceptable together with the information indicating that the game medium is about to be introduced to the game board **[column 5, lines 50-67 and column 6, lines 1-29]**.

Concerning claim 10, Franchi teaches the display means displays information indicating that the game medium is not about to be introduced to the game board **[column 5, lines 50-67 and column 6, lines 1-29]**.

Concerning claim 9, Franchi teaches the display means displays information indicating that the entry to the game is closed **[column 14, lines 11-18]** together with the information indicating that the game medium is not about to be introduced to the game board **[column 5, lines 50-67 and column 6, lines 1-29]**.

Concerning claim 14, 16-18, 21, 23 and 27 Franchi teaches a communication system for a game providing a predetermined guest with a plurality of game cards playing a poker game **[column 10, lines 1+ and column 12, lines 53+]** storing respective identification information items and then replacing any of the game cards, the communication system acquiring information required for proceeding with the game from the predetermined guest playing the game and outputting thus acquired information to a manager for managing the game **[column 10, lines 15-31]**; the communication system comprising: first information acquiring means for acquiring

guest-specific information specifying a guest playing the game in relation to information indicating that the guest is in a game arcade or using a portable device **[column 15, lines 18-37]**. Information of the guest using the device in the guestroom vs. the casino floor is an obvious variant of using a portable device. Franchi teaches second information acquiring means for acquiring the identification information items stored in the plurality of game cards in relation to positional information items indicative of the positions where the game cards are arranged for each guest-specific information **[column 15, lines 2-10, 25-67 and column 16, lines 1-13]**. Franchi teaches a display means **[column 15, lines 35-37]** and first transmitting means for transmitting the identification information items of the plurality of game cards related to the guest-specific information corresponding to the information indicating the positional information items respectively corresponding to the identification information items of the plurality of game cards to a communication terminal disposed in a portable device **[column 15, lines 2-10, 25-67 and column 16, lines 1-13]**; second transmitting means for transmitting instruction information indicative of an instruction to transmit information concerning any of the game cards to the communication terminal if the game card is desired to be replaced **[column 10, lines 15-31]**; third information acquiring means for acquiring the positional information item corresponding to the identification information item of one or a plurality of the game cards desired to be replaced by the guest in the identification information items of the plurality of game cards according to the instruction information in the communication terminal means disposed in the game arcade, for outputting one or a plurality of positional information items acquired by the third

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information acquiring means to the manager **[column 10, lines 15-31; column 15, lines 38-67; column 16, lines 1-13 and Blackjack/Poker sections for further explanation]**. Franchi teaches the guest-specific information is obtained by reading information specifying the guest stored in a predetermined guest card with at least card reading means disposed in the portable device **[column 15, lines 38-54]**.

Franchi lacks teaching the portable device can be located in the guestroom in an accommodation facility and the transmission of information from the transmitting means to the communication terminal and the transmission of information from the communication means toward the game arcade are carried out via a local area network. The publication to Shulman teaches a computer assisted poker tournament. Shulman teaches that the communication medium on which the tournament is to be played over can be setup up on a local area network extending to the various rooms of a hotel or casino **[0023]**. It would be obvious to combine the Franchi portable device used in the open architecture casino operating system with the Shulman poker tournament run on a local area network because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 15, Franchi teaches the communication terminal comprises communication means for transmitting the positional information items corresponding to the identification information items of one or a plurality of the game cards desired to be replaced by the guest in the identification information items of the plurality of game

cards as acquired by the third information acquiring means **[column 15, lines 38-67 and column 16, lines 1-13]**.

Concerning claim 19, Franchi teaches the card reading means is configured so as to be able to inscribe the predetermined guest card with a result of gaming transmitted from the game arcade **[column 16, lines 14-17]**.

Concerning claim 20, Franchi teaches when any of the game cards is desired to be replaced, the display means displays instruction information indicating an instruction to input information concerning the game card desired to be replaced **[column 10, lines 15-31]**.

Concerning claim 22, Franchi teaches the identification information of each game card is stored in an IC tag incorporated in the game card **[column 3, lines 17-25]**. The wand is the game card.

Concerning claims 24 and 28, Franchi teaches communication system for acquiring information required for proceeding with a game played in a game arcade from a predetermined guest playing the game and outputting thus acquired information to a manager for managing the game **[column 10, lines 15-31]**; the communication system comprising first and second communication system functions; the first communication system function being employed for a first game using a game board **[column 14: lines 31+]** provided with a plurality of pockets adapted to receive a game medium introduced, each pocket bearing an identifier, a predetermined guest using a gaming device for causing any of the pockets to receive the game medium and anticipating the identifier of the pocket **[column 14, lines 19-30 and column 10, lines**

1-7], the first communication system function acquiring from the guest the identifier of the pocket expected to receive the game medium before the game medium is introduced to the game board and outputting thus acquired identifier to a manager for managing the first game **[column 15, lines 26-65]**; the second communication system function being employed for a second game providing the predetermined guest with a plurality of game cards **[column 10, lines 1+ and column 12, lines 53+]** storing respective identification information items and then replacing any of the game cards, the second communication system function acquiring information required for proceeding with the game from the predetermined guest playing the second game and outputting thus acquired information to a manager for managing the second game **[column 10, lines 15-31]**; any of the first and second communication system functions being operated according to the input from the setting input means **[column 2, lines 55-67 and column 3, lines 1-50]**.

Franchi lacks teaching the portable device can be located in the guestroom in an accommodation facility and the transmission of information from the transmitting means to the communication terminal and the transmission of information from the communication means toward the game arcade are carried out via a local area network. The publication to Shulman teaches a computer assisted poker tournament. Shulman teaches that the communication medium on which the tournament is to be played over can be setup up on a local area network extending to the various rooms of a hotel or casino **[0023]**. It would be obvious to combine the Franchi portable device used in the open architecture casino operating system with the Shulman poker tournament run on a

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local area network because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malina K. Dhillon whose telephone number is (571) 270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Malina K. Dhillon
Examiner: Art Unit 3714

MKB 8/28/07


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER